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The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

*As passed by both Houses*

# Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Bill 2026

# No. , 2026

**A Bill for an Act to amend legislation relating to customs and background checking, and to create a scheme to buy back firearms, and for related purposes**

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# A Bill for an Act to amend legislation relating to customs and background checking, and to create a scheme to buy back firearms, and for related purposes

The Parliament of Australia enacts:

## 1 Short title

This Act is the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*.

## 2 Commencement

(1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with

column 2 of the table. Any other statement in column 2 has effect according to its terms.

**Commencement information**

| Column 1<br>Provisions | Column 2<br>Commencement | Column 3<br>Date/Details |
|---|---|---|
| 1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table | The day this Act receives the Royal Assent. | |
| 2. Schedule 1 | The day after this Act receives the Royal Assent. | |
| 3. Schedule 2, Parts 1 to 6 | The day after this Act receives the Royal Assent. | |
| 4. Schedule 2, Part 7 | The 28th day after this Act receives the Royal Assent. | |
| 5. Schedule 3 | The day after this Act receives the Royal Assent. | |

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

(2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

## 3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Note: The provisions of a legislative instrument amended or inserted by this Act, and any other provisions of that instrument, may be amended or repealed by a person who is currently authorised under the enabling legislation for the instrument to make instruments of the same kind (see subsection 13(5) of the *Legislation Act 2003*).

# Schedule 1—Customs amendments

## Part 1—Prohibited material

### Division 1—Amendments

### *Customs (Prohibited Exports) Regulations 1958*

#### 1 After subregulation 3(2AA)

Insert:

(2AB) Without limiting subregulation (2), this regulation also applies to goods that:

(a) are or contain violent extremist material (within the meaning of the *Criminal Code*); or

(b) are, depict or contain prohibited symbols (within the meaning of the *Criminal Code*).

#### 2 At the end of subregulation 3(4)

Add:

; or (c) the goods are covered by paragraph (2AB)(a) or (b) and are being exported for the purpose of engaging in conduct covered by subparagraph 80.2H(9)(a)(i) or (b)(ii), or paragraph 80.2H(10)(a), (b), (c), (d) or (e), of the *Criminal Code*.

### *Customs (Prohibited Imports) Regulations 1956*

#### 3 After subregulation 4A(1AA)

Insert:

(1AB) Without limiting subregulation (1A), this regulation also applies to goods that:

(a) are or contain violent extremist material (within the meaning of the *Criminal Code*); or

(b) are, depict or contain prohibited symbols (within the meaning of the *Criminal Code*).

### 4 At the end of subregulation 4A(2)

Add:

; or (c) the goods are covered by paragraph (1AB)(a) or (b) and are being imported for the purpose of engaging in conduct covered by subparagraph 80.2H(9)(a)(i) or (b)(ii), or paragraph 80.2H(10)(a), (b), (c), (d) or (e), of the *Criminal Code*.

## *Customs Regulation 2015*

### 5 Section 4 (definition of *commercial quantity of objectionable goods*)

Repeal the definition.

### 6 Subclause 1(1) of Schedule 7 (table items 22 and 23)

Repeal the table items, substitute:

| | |
|---|---|
| 22 | A good that:<br>(a) is an objectionable good; but<br>(b) is not an item of child abuse material |

### 7 Subclause 1(2) of Schedule 7 (definition of *commercial quantity of objectionable goods*)

Repeal the definition.

## Division 2—Application and transitional provisions

## *Customs (Prohibited Exports) Regulations 1958*

### 8 In the appropriate position in Part 5

Insert:

### 27 Transitional matters—amendments made by Part 1 of Schedule 1 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to goods exported from Australia on or after the commencement of that Part.

## *Customs (Prohibited Imports) Regulations 1956*

### 9 In the appropriate position before Schedule 1

Insert:

### 22 Transitional matters—amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

(1) The amendments of these Regulations made by Part 1 of Schedule 1 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to goods imported into Australia on or after the commencement of that Part.

## *Customs Regulation 2015*

### 10 In the appropriate position in Part 18

Insert:

### 167 Amendments made by Part 1 of Schedule 1 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

The amendments of these Regulations made by Part 1 of Schedule 1 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to:

(a) goods imported into Australia on or after the commencement of that Part; or

(b) goods exported from Australia on or after the commencement of that Part.

# Part 2—Powers relating to instruments

## *Customs Act 1901*

### 11 At the end of section 4A

Add:

(2) Neither of the following is a legislative instrument:

(a) a form or statement approved as mentioned in this section;

(b) an instrument approving a form or statement as mentioned in this section.

### 12 After subsection 50(3A)

Insert:

(3B) Regulations made for the purposes of this section may confer on the Minister the power to make provision in relation to a matter by legislative instrument.

### 13 After subsection 112(2AA)

Insert:

(2AB) Regulations made for the purposes of this section may confer on the Minister the power to make provision in relation to a matter by legislative instrument.

# Schedule 2—Firearms amendments

## Part 1—National gun buyback

### Division 1—National gun buyback

#### 1 Object of Part

The object of this Part is to provide for the Government of the Commonwealth, as the national Government of Australia, to implement a national gun buyback scheme in response to the antisemitic terrorist attack at Bondi Beach on 14 December 2025.

#### 2 Definitions

(1) In this Part:

***AFP Minister*** means the Minister administering the *Australian Federal Police Act 1979*.

***buyback period***, for a State, means:

(a) the period beginning on 1 January 2026 and ending on 31 December 2027, unless paragraph (b) applies; or

(b) if a different period is determined by the AFP Minister under subitem (2) for that State—that period.

***national firearms program*** means:

(a) the commitments made or affirmed, or other measures agreed, by National Cabinet, on 15 December 2025, relating to firearms licencing, reducing the number of firearms in the community or any other matter connected with firearms; and

(b) any other measures determined by the AFP Minister under subitem (3).

***qualifying compensation*** has the meaning given by item 3.

***State*** includes the Australian Capital Territory and the Northern Territory.

(2) For the purposes of paragraph (b) of the definition of ***buyback period*** in subitem (1), the AFP Minister may, by notifiable instrument, determine a period for a State, on the recommendation of the Minister of that State who is responsible for police matters.

(3) For the purposes of paragraph (b) of the definition of ***national firearms program*** in subitem (1), the AFP Minister may, by notifiable instrument, determine measures if the AFP Minister is satisfied those measures are in relation to firearms.

## 3 Qualifying compensation paid by a State

(1) Compensation paid by a State is ***qualifying compensation*** to the extent that the compensation is paid during the buyback period for the State under a compensation scheme:

(a) set up by the State to support the national firearms program; and

(b) approved by the AFP Minister under subitem (2).

(2) For the purposes of paragraph (1)(b), the AFP Minister may, by notifiable instrument, approve a compensation scheme set up by a State to support the national firearms program.

## 4 Determination under *Federal Financial Relations Act 2009*

(1) The Minister administering the *Federal Financial Relations Act 2009* must make a determination under subsection 16(1) of that Act in relation to a State in respect of reimbursement of some of the qualifying compensation paid by the State.

(2) Subitem (1) does not limit the application of section 16 of the *Federal Financial Relations Act 2009* in connection with the implementation of the national firearms program.

## 5 Other financial assistance and payments

(1) The AFP Minister may authorise payments by the Commonwealth in connection with activities relating to the implementation of the national firearms program.

(2) Subitem (1) does not apply in relation to a payment to a State.

*Overall limit on payments under this item*

(3) The total amount that may be authorised by the AFP Minister under this item must not be more than the amount determined in an instrument under subitem (4).

*AFP Minister's instrument*

(4) Before authorising any payment under this item, the AFP Minister must, by notifiable instrument, determine an amount for the purposes of subitem (3).

*Implied nationhood power*

(5) Subitem (1) relies on the legislative power that the Parliament has under the Constitution with respect to matters that are peculiarly adapted to the government of a nation and cannot otherwise be carried on for the benefit of the nation.

Note: See also item 1 (about the object of this Part).

*Defence power*

(6) In addition to subitem (5), subitem (1) also has the effect it would have if a reference to activities were expressly confined to activities undertaken for purposes relating to the defence of the Commonwealth and of the several States within the meaning of paragraph 51(vi) of the Constitution.

*Corporations power*

(7) In addition to subitem (5), subitem (1) also has the effect it would have if a reference to activities were expressly confined to activities undertaken by or on behalf of a corporation to which paragraph 51(xx) of the Constitution applies.

*Territories power*

(8) In addition to subitem (5), subitem (1) also has the effect it would have if a reference to activities were expressly confined to activities undertaken in a Territory.

*Commonwealth places power*

(9) In addition to subitem (5), subitem (1) also has the effect it would have if a reference to activities were expressly confined to activities undertaken in a place that is referred to in paragraph 52(i) of the Constitution.

*Appropriation*

(10) The Consolidated Revenue Fund is appropriated for payments under this item.

## Division 2—Consequential amendments

### *Income Tax Assessment Act 1997*

### 6 Subsection 995-1(1) (definition of *firearms surrender arrangements*)

Repeal the definition, substitute:

***firearms surrender arrangements*** means:

(a) an *Australian law; or

(b) administrative arrangements of a State or Territory;

implementing:

(c) the agreement arising from the meeting of the Police Ministers held on 10 May 1996 concerning the surrender of prohibited firearms; or

(d) the national firearms program (within the meaning of item 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*).

### 7 Application provision

The amendments made by this Division apply in respect of years of income in which proceeds are derived as a result of firearms surrender arrangements.

# Part 2—Firearms background checks

## Division 1—AusCheck amendments

### *AusCheck Act 2007*

### 8 Subsection 4(1)

Insert:

***CEO of ACIC*** means the Chief Executive Officer of the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

***firearms background check*** means a background check conducted under regulations made for the purposes of paragraph 8(1)(f).

***firearms licensing authority*** has the meaning given by regulations made for the purposes of this definition.

***law enforcement agency*** means an authority of the Commonwealth, or an authority of a State or Territory, that has functions relating to law enforcement.

***national security agency*** means:

(a) the Australian Security Intelligence Organisation; or

(b) the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*; or

(c) any other agency of the Commonwealth prescribed by the regulations.

### 9 Paragraph 5(ba)

After "8(1)(a)", insert "or (f)".

### 10 At the end of subsection 8(1)

Add:

; or (f) the check is of an individual in connection with any of the following:

(i) a decision under a law of a State or Territory about whether to issue a firearms licence to the individual or otherwise relating to the issue of such a licence (including in relation to conditions);

(ii) a decision about whether to renew, revoke, vary or suspend a licence mentioned in subparagraph (i);

(iii) in relation to an individual who holds a firearms licence—an application by a law enforcement agency or a national security agency.

## 11 After subsection 8(4)

Insert:

*Firearms background checks*

(4A) If paragraph (1)(f) applies, a firearms background check of an individual may only take into account one or more of the following:

(a) an assessment by the Australian Security Intelligence Organisation of the individual under the *Australian Security Intelligence Organisation Act 1979*;

(b) a criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*) of the individual under that Act;

(c) the citizenship status of the individual.

## 12 After section 10A

Insert:

### 10B Matters covered by AusCheck scheme—firearms background checks

(1) The AusCheck scheme may, for the purposes of paragraph 8(1)(f), make provision for and in relation to any of the following:

(a) the making of an application for a firearms background check by a firearms licensing authority, a law enforcement agency or a national security agency;

(b) the information that is to be contained in an application for a firearms background check (including in relation to consent for the check);

(c) the manner for conducting a firearms background check;

(d) the criteria against which an application for a firearms background check is to be assessed;

(e) the form of advice to be given to the applicant for a firearms background check;

(f) the form of advice to be given to other persons about the status or outcome of a firearms background check (including any conditions relating to the advice being provided to other persons);

(g) any other matter relating to a firearms background check.

(2) The matters referred to in subsection (1) may relate to:

(a) all firearms background checks to be conducted for the purposes of paragraph 8(1)(f); or

(b) a specified class or specified classes of such background checks.

(3) For the purposes of paragraph (1)(b), without limiting that paragraph, an individual is taken to have given consent to another person making an application for a firearms background check of the individual if:

(a) the individual has applied for a firearms licence (whether immediately before the firearms background check or at any previous time); and

(b) before making the application for the firearms licence, the individual was advised by the person to whom that application was made, in accordance with the requirements (if any) specified in the regulations, that a firearms background check:

(i) was a precondition to the issuing of the licence; and

(ii) may be conducted at any time that the licence is in force.

## 13 Subsection 13(1)

Omit "The", substitute "Subject to subsection (3), the".

## 14 Paragraph 13(1)(a)

Before "outcome", insert "status or".

## 15 At the end of section 13

Add:

*Application of section in relation to firearms background checks*

(3) This section applies in relation to information (other than identity verification information) collected about an individual for the purposes of a firearms background check only if the individual is, or has been, the subject of the firearms background check.

## 16 At the end of subsection 14(1)

Add:

Note: For information collected for the purposes of a firearms background check, see subsection (4).

## 17 At the end of section 14

Add:

*Application of section in relation to firearms background checks*

(4) This section applies in relation to information (other than identity verification information) collected about an individual for the purposes of a firearms background check only if the individual is, or has been, the subject of the firearms background check.

## 18 Transitional provision

Despite paragraph 10B(1)(b) of the *AusCheck Act 2007*, as inserted by this Part, an individual is taken to have given consent to another person making an application for a firearms background check of the individual if, immediately before the commencement of this item, the individual holds a firearms licence that is in force under a law of a State or Territory.

Note: This section constitutes an authorisation for the purposes of other laws, such as Australian Privacy Principle 6 of the *Privacy Act 1988*.

## *Australian Security Intelligence Organisation Act 1979*

### 19 Subsection 39(3)

Repeal the subsection, substitute:

(3) Subsection (1) does not prevent a Commonwealth agency from taking prescribed administrative action within the meaning of paragraph (h) of the definition of ***prescribed administrative action*** in subsection 35(1):

(a) on the basis of a communication made under subsection 18(3) or 19A(4) to a staff member of the Commonwealth agency; or

(b) without limiting paragraph (a), for the purposes of a firearms background check (within the meaning of the *AusCheck Act 2007*).

## Division 2—ACC and ASIO amendments

## *Australian Crime Commission Act 2002*

### 20 Subsection 4(1) (at the end of the definition of *serious and organised crime*)

Add:

Note: A different definition applies in Part III (see section 52).

### 21 After paragraph 7A(d)

Insert:

(da) to make and give criminal intelligence assessments (within the meaning of Part III) in accordance with that Part;

### 22 Division 2A of Part II

Repeal the Division.

### 23 Subsection 46A(8)

Repeal the subsection.

### 24 After Part II

Insert:

# Part III—Criminal intelligence assessments

## Division 1—Preliminary

### 52 Definitions

In this Part:

***adverse criminal intelligence assessment*** has the meaning given by section 54.

***ART Act*** means the *Administrative Review Tribunal Act 2024*.

***background check*** has the same meaning as in section 5 of the *AusCheck Act 2007*.

***Commonwealth agency*** means an agency within the meaning of the *Freedom of Information Act 1982*, and includes an exempt agency.

***criminal intelligence assessment*** has the meaning given by section 53.

***exempt agency*** means a body specified, or a person holding an office specified, in Part I of Schedule 2 to the *Freedom of Information Act 1982*.

***federal offence*** has the meaning given by subsection 54B(2).

***firearms background check*** has the same meaning as in the *AusCheck Act 2007*.

***law enforcement or intelligence interests*** means interests in one or more of the following:

(a) avoiding prejudice or disruption to national and international efforts relating to law enforcement, criminal intelligence, criminal investigation, foreign intelligence and security intelligence;

(b) protecting the technologies and methods used to collect, analyse, secure or otherwise deal with, criminal intelligence, foreign intelligence or security intelligence;

(c) the protection and safety of informants and of persons associated with informants;

(d) ensuring that intelligence and law enforcement agencies are not discouraged from giving information to a nation's government and government agencies;

(e) avoiding disclosure of lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures.

***member*** has the same meaning as in the *Administrative Review Tribunal Act 2024*.

***officer of the Tribunal*** means:

(a) the Principal Registrar within the meaning of the *Administrative Review Tribunal Act 2024*; or

(b) a staff member within the meaning of that Act.

***prescribed administrative action*** has the meaning given by section 54A.

***security*** has the same meaning as in the *Australian Security Intelligence Organisation Act 1979*.

***serious and organised crime*** has the meaning given by section 54B.

***specified criminal intelligence assessment action*** has the meaning given by subsection 54G(2).

***Tribunal*** means the Administrative Review Tribunal.

## 53 Meaning of *criminal intelligence assessment*

(1) A ***criminal intelligence assessment*** is a written statement made by the ACC expressing any recommendation, opinion or advice on, or otherwise referring to, the question of whether it would be consistent with preventing the advancement of serious and

organised crime for prescribed administrative action to be taken, or not taken, in respect of a person.

(2) To avoid doubt, a criminal intelligence assessment includes any qualification or comment expressed in connection with any recommendation, opinion or advice mentioned in subsection (1), if the qualification or comment relates, or could relate, to the question mentioned in that subsection.

## 54 Meaning of *adverse criminal intelligence assessment*

An ***adverse criminal intelligence assessment*** is a criminal intelligence assessment in respect of a person that contains:

(a) any opinion or advice, or any qualification of any opinion or advice, or any information, that is or could be prejudicial to the interests of the person; and

(b) a recommendation that prescribed administrative action be taken or not be taken in respect of the person, being a recommendation the implementation of which would be prejudicial to the interests of the person.

## 54A Meaning of *prescribed administrative action*

(1) ***Prescribed administrative action*** means the exercise of any power, or the performance of any function, in relation to any of the following decisions under a law of a State or Territory:

(a) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);

(b) a decision about whether to renew, revoke, vary or suspend a licence mentioned in paragraph (a).

(2) Action is also ***prescribed administrative action*** if the action relates to or affects:

(a) access by a person to any information or place, access to which is controlled or limited under:

(i) the *Aviation Transport Security Act 2004* or regulations under that Act; or

(ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act; or

(iii) an Act prescribed by the regulations for the purposes of this subparagraph, or a legislative instrument under that Act; or

(b) a person's ability to perform an activity in relation to, or involving, a thing (other than information or a place), if that ability is controlled or limited under:

(i) the *Aviation Transport Security Act 2004* or regulations under that Act; or

(ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act; or

(iii) an Act prescribed by the regulations for the purposes of this subparagraph, or a legislative instrument under that Act.

## 54B Meaning of *serious and organised crime*

(1) For the purposes of this Part, ***serious and organised crime*** means a federal offence that may have been committed, may presently be being committed, or may in future be committed, in circumstances involving:

(a) 2 or more offenders; and

(b) substantial planning or organisation; and

(c) the use of sophisticated methods and techniques.

(2) A ***federal offence*** is an offence:

(a) against a law of the Commonwealth; or

(b) against a law of a Territory; or

(c) against a law of a State that has a federal aspect;

that is:

(d) punishable by imprisonment for a period of 2 years or more; or

(e) prescribed by the regulations for the purposes of this paragraph.

Note: For the definitions of ***State*** and ***Territory***, see subsection 4(1).

## Division 2—Criminal intelligence assessments

### 54C Making criminal intelligence assessments

*General*

(1) The ACC may make criminal intelligence assessments for purposes related to:

(a) firearms background checks; or

(b) background checks required or permitted by any of the following:

(i) the *Aviation Transport Security Act 2004* or regulations under that Act;

(ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act;

(iii) an Act prescribed by the regulations for the purposes of subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative instrument under that Act.

Note: The making of criminal intelligence assessments is separate to, and does not affect, the ACC's function of providing strategic criminal intelligence assessments to the Board (as referred to in paragraph 7A(e)) and the Board's function of disseminating those strategic criminal intelligence assessments (as referred to in paragraph 7C(1)(g)).

(2) The CEO may, by legislative instrument, determine the following in relation to the making of criminal intelligence assessments:

(a) the matters that must be taken into account;

(b) the manner in which those matters must be taken into account;

(c) the matters that must not be taken into account.

(3) The CEO must not make a determination under subsection (2) unless the CEO has consulted the Minister.

(4) If the ACC, in making a criminal intelligence assessment, considers that making an adverse criminal intelligence assessment in respect of a person would prejudice law enforcement or intelligence interests, the ACC may decide not to make the assessment.

(5) To avoid doubt, for the purposes of performing the function in subsection (1), the ACC may:

(a) make a criminal intelligence assessment at any time for purposes related to a background check that:

(i) is being undertaken; or

(ii) has previously been undertaken; and

(b) make more than one criminal intelligence assessment for purposes related to the same background check.

*Certain criminal intelligence assessments that are not adverse*

(6) Despite subsections (1) and (2), the ACC must make a criminal intelligence assessment in respect of a person that is not an adverse criminal intelligence assessment if the person is not identified in a search of intelligence held by the ACC that is conducted in accordance with the instructions issued by the CEO under subsection (7).

Note: The CEO may arrange for the use of a computer program to make criminal intelligence assessments to which this subsection applies: see section 54G.

(7) The CEO must, in writing, issue instructions about the conducting of searches for the purposes of subsection (6).

(8) Instructions issued under subsection (7) are not a legislative instrument.

### 54D Giving criminal intelligence assessments to Commonwealth agencies

*Criminal intelligence assessments that are not adverse*

(1) The ACC may give a criminal intelligence assessment, that is not an adverse criminal intelligence assessment, in respect of a person to a Commonwealth agency for purposes related to:

(a) a firearms background check of the person; or

(b) a background check of the person that is required or permitted by any of the following:

(i) the *Aviation Transport Security Act 2004* or regulations under that Act;

(ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act;

(iii) an Act prescribed by the regulations for the purposes of subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative instrument under that Act.

(2) Despite subsection (1), the ACC must give a criminal intelligence assessment, that is not an adverse criminal intelligence assessment, in respect of a person to a Commonwealth agency for purposes mentioned in subsection (1) if the criminal intelligence assessment is made in accordance with subsection 54C(6).

Note: The CEO may arrange for the use of a computer program to give certain kinds of criminal intelligence assessments to Commonwealth agencies: see section 54G.

*Adverse criminal intelligence assessments*

(3) The CEO may cause an adverse criminal intelligence assessment in respect of a person to be given to a Commonwealth agency for purposes related to:

(a) a firearms background check of the person; or

(b) a background check of the person that is required or permitted by any of the following:

(i) the *Aviation Transport Security Act 2004* or regulations under that Act;

(ii) the *Maritime Transport and Offshore Facilities Security Act 2003* or regulations under that Act;

(iii) an Act prescribed by the regulations for the purposes of subparagraph 54A(2)(a)(iii) or (b)(iii), or a legislative instrument under that Act.

(4) If the CEO considers that giving a Commonwealth agency an adverse criminal intelligence assessment in respect of a person would prejudice law enforcement or intelligence interests or security, the CEO may decide not to cause the assessment to be given to the agency.

(5) An adverse criminal intelligence assessment given to a Commonwealth agency under subsection (3) must be accompanied by:

(a) a statement of the grounds for the assessment (which is taken to be part of the assessment); and

(b) if, under subsection (7), the CEO makes a certificate in relation to information contained in the assessment—a copy of the certificate.

(6) The statement of the grounds for the adverse criminal intelligence assessment must contain all information that the ACC relied on in making the assessment, other than:

(a) subject to subsection (8), information in relation to which the CEO has made a certificate under subsection (7); and

(b) information the disclosure of which would be contrary to a law of the Commonwealth, a State or a Territory.

(7) The CEO may certify, in writing, that the CEO is satisfied that disclosing particular information contained in an adverse criminal intelligence assessment, including particular information contained in the statement of the grounds for the assessment, to the person in respect of whom the assessment was made would prejudice law enforcement or intelligence interests or security.

(8) If the CEO makes a certificate under subsection (7) in relation to information, the CEO may decide not to cause the information to be given to a Commonwealth agency under subsection (3) or (5). However, the Minister may, after consulting the CEO, direct the CEO to cause the information to be given to the Commonwealth agency.

(9) A certificate made under subsection (7) is not a legislative instrument.

(10) If the direction under subsection (8) is made in writing, the direction is not a legislative instrument.

### 54E Person to be notified of adverse criminal intelligence assessment

(1) If an adverse criminal intelligence assessment in respect of a person is given to a Commonwealth agency under subsection 54D(3), the Commonwealth agency must give written notice of the assessment to the person.

Note: See also subsections (3) to (5) (about exceptions to subsection (1)).

*Timing and content of notice*

(2) The written notice must:

(a) be given to the person before the end of the period of 14 days beginning on the day after:

(i) unless subparagraph (ii) applies—the day the adverse criminal intelligence assessment is given to the Commonwealth agency; or

(ii) if a certificate under subsection (6) that was in force in relation to the adverse criminal intelligence assessment is subsequently revoked—the day the certificate is revoked; and

(b) inform the person of the making of the adverse criminal intelligence assessment; and

(c) include the statement of the grounds for the adverse criminal intelligence assessment that was given to the Commonwealth agency (other than information in relation to which the CEO has made a certificate under subsection 54D(7)); and

(d) contain information concerning the person's right to apply to the Tribunal for a review of the adverse criminal intelligence assessment.

*Exception—firearms*

(3) Subsection (1) does not apply if the adverse criminal intelligence assessment is given to the Commonwealth agency in relation to any of the following decisions under a law of a State or Territory:

(a) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);

(b) a decision about whether to renew, revoke, vary or suspend a licence a licence mentioned in paragraph (a).

(4) Despite subsection (3), subsection (1) does apply in the circumstances prescribed by the regulations for the purposes of this subsection.

*Exception—Minister's certificate*

(5) Subsection (1) does not apply if a certificate made under subsection (6) is in force in relation to the adverse criminal intelligence assessment.

(6) The Minister may certify, in writing, that the Minister is satisfied that the withholding of notice to a person of the making of an adverse criminal intelligence assessment in respect of the person is essential to either or both of the following:

(a) avoiding prejudice to law enforcement or intelligence interests;

(b) security.

(7) If the Minister makes a certificate under subsection (6) in relation to an adverse criminal intelligence assessment, the Minister must:

(a) give a copy of the certificate to the Commonwealth agency to which the assessment was given under subsection 54D(3); and

(b) before the end of the following periods (unless the certificate is revoked earlier), consider whether to revoke the certificate:

(i) the period of 12 months beginning on the day on which the certificate was made;

(ii) each subsequent 12 month period.

(8) A certificate made under subsection (6) is not a legislative instrument.

## 54F Effect of preliminary advice by the ACC

A Commonwealth agency must not take, refuse to take or refrain from taking prescribed administrative action on the basis of any communication in relation to a person made by the ACC not amounting to a criminal intelligence assessment.

# Division 3—Automation of specified criminal intelligence assessment action

## 54G Automation of specified criminal intelligence assessment action

(1) The CEO may, in writing, arrange for the use, under the CEO's oversight, of computer programs to take specified criminal intelligence assessment action that must be taken by the ACC under this Act.

(2) ***Specified criminal intelligence assessment action*** is:

(a) performing, or refusing or failing to perform, a function or duty under subsection 54C(6); or

(b) performing, or refusing or failing to perform, a function or duty under subsection 54D(2); or

(c) doing, or refusing or failing to do, anything related to performing a function or duty under the subsection mentioned in paragraph (a) or (b).

*ACC treated as having taken specified criminal intelligence assessment action*

(3) Specified criminal intelligence assessment action taken by the operation of a computer program under an arrangement under subsection (1) is treated, for all purposes, as specified criminal intelligence assessment action taken by the ACC.

*Substituting specified criminal intelligence assessment action*

(4) The ACC may take specified criminal intelligence assessment action, or make a criminal intelligence assessment under subsection 54C(1), (the ***substituted action***) in substitution for specified criminal intelligence assessment action the ACC is treated as having taken under subsection (3) of this section if the ACC is satisfied that the specified criminal intelligence assessment action taken by the operation of the computer program is not the correct or preferable action.

(5) The substituted action takes effect on:

(a) if the ACC specifies the day on which the substituted action takes effect—that specified day; or

(b) otherwise—the day of the specified criminal intelligence assessment action taken by the operation of the computer program.

(6) The day specified under paragraph (5)(a) may be earlier than the day the substituted action is taken but not earlier than the day of the specified criminal intelligence assessment action taken by the operation of the computer program.

*ACC may still take specified criminal intelligence assessment action*

(7) An arrangement under subsection (1) does not prevent the ACC from taking specified criminal intelligence assessment action.

*Arrangement not a legislative instrument*

(8) An arrangement under subsection (1) is not a legislative instrument.

### 54H Oversight and safeguards for automation of specified criminal intelligence assessment action

(1) The CEO must take all reasonable steps to ensure that specified criminal intelligence assessment action taken by the operation of a computer program under an arrangement under subsection 54G(1) is specified criminal intelligence assessment action that the ACC could validly take under section 54C or 54D.

(2) Without limiting subsection (1), the CEO must do the things (if any) prescribed by the regulations for the purposes of this subsection.

Note: Specified criminal intelligence assessment action may still be invalid even if subsections (1) and (2) are complied with.

(3) A failure to comply with subsection (1) or (2) does not affect the validity of the specified criminal intelligence assessment action taken by the operation of a computer program under an arrangement under subsection 54G(1).

## Division 4—Review of adverse criminal intelligence assessments

### 54J Applications to Tribunal

(1) An application may be made to the Tribunal for review of a decision of the ACC under section 54C to make an adverse criminal intelligence assessment.

Note 1: Section 18 of the ART Act generally requires an application for review of a decision to be made within the period prescribed by rules made under that Act.

Note 2: See also subsections (4) and (5) (about an exception to subsection (1)).

(2) An application under subsection (1) may be made by the person in respect of whom the assessment was made and who has been given notice of the assessment under section 54E.

*Interaction with the ART Act*

(3) Subsection (2) has effect despite subsection 17(1) of the ART Act (about who can apply for review).

*Exception*

(4) Subsection (1) does not apply if the adverse criminal intelligence assessment was in relation to any of the following decisions under a law of a State or Territory:

(a) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);

(b) a decision about whether to renew, revoke, vary or suspend a licence mentioned in paragraph (a).

(5) Despite subsection (4), subsection (1) does apply in the circumstances prescribed by the regulations for the purposes of this subsection.

### 54K Restriction on further assessments after review

If the Tribunal has made findings upon a review of an adverse criminal intelligence assessment, the ACC must not make a further

criminal intelligence assessment in respect of the person concerned that is not in accordance with those findings except on the basis of matters occurring after the review or of evidence that was not available at the time of the review.

### 54L Costs

(1) The Tribunal may order that costs reasonably incurred by an applicant under section 54J in connection with the application, or any part of those costs that is determined by the Tribunal, be paid by the Commonwealth if:

(a) the applicant was, in the opinion of the Tribunal, successful, or substantially successful, in the application for review; and

(b) the Tribunal is satisfied that it is appropriate to make the order in all the circumstances of the case.

*Interaction with ART Act*

(2) For the purposes of section 115 of the ART Act (about taxing costs), the Commonwealth is taken to be a party to the proceeding referred to in subsection (1) of this section.

## Division 5—Secrecy

### 54M Secrecy—criminal intelligence assessment information

(1) A person commits an offence if:

(a) the person is, or has been:

(i) a member or an officer of the Tribunal; or

(ii) an officer or employee of a Commonwealth agency to which an adverse criminal intelligence assessment has been given under subsection 54D(3); and

(b) the person makes a record of, discloses or otherwise uses information; and

(c) the information was obtained by the person by reason of, or in the course of, the performance or exercise of the person's functions, duties or powers as a member or an officer of the Tribunal, or as an officer or employee of the agency; and

(d) the information is, is contained in, or relates to, a criminal intelligence assessment.

Penalty: Imprisonment for 2 years or 120 penalty units, or both.

(2) Subsection (1) does not apply if the making of the record, disclosure or use:

(a) is for the purposes of this Part; or

(b) is for the purposes of, or in connection with, the performance or exercise of the person's functions, duties or powers as a member or an officer of the Tribunal, or as an officer or employee of the Commonwealth agency.

Note 1: A defendant bears an evidential burden in relation to a matter in subsection (2) (see subsection 13.3(3) of the *Criminal Code*).

Note 2: Section 276 of the ART Act also deals with the disclosure of certain information and documents by members and officers of the Tribunal.

Note 3: Section 51 of this Act deals with secrecy requirements for the CEO, members of the Board, members of the staff of the ACC and examiners.

### 25 Section 59A

Omit "subsection 36B(2) or section 47A", substitute "section 47A or subsection 54C(2) or 54D(3)".

## *Australian Security Intelligence Organisation Act 1979*

### 26 Section 4

Insert:

***specified assessment action*** has the meaning given by subsection 92E(4).

### 27 Subsection 35(1) (subparagraph (h)(ii) of the definition of *prescribed administrative action*)

Omit "a decision about whether to revoke", substitute "a decision about whether to renew, revoke, vary or suspend".

### 28 At the end of subsection 36(1)

Add:

; or (d) a security assessment provided in relation to any of the following decisions under a law of a State or Territory:

(i) a decision about whether to issue a firearms licence or otherwise relating to the issue of such a licence (including in relation to conditions);

(ii) a decision about whether to renew, revoke, vary or suspend a licence mentioned in subparagraph (i).

Note: See subsection (2A) for an exception to paragraph (1)(d).

## 29 After subsection 36(2)

Insert:

(2A) Paragraph (1)(d) does not apply in the circumstances prescribed by the regulations for the purposes of this subsection.

## 30 Before section 93A

Insert:

### 92E Automation of specified assessment action

(1) The Director-General may, in writing, arrange for the use, under the Director-General's oversight, of computer programs to take specified assessment action that may, or must, be taken by the Organisation under this Act.

(2) Before making an arrangement under subsection (1), the Director-General must consult the Inspector-General of Intelligence and Security.

(3) As soon as practicable after making an arrangement under subsection (1), the Director-General must give a copy of the arrangement to the Inspector-General of Intelligence and Security.

(4) ***Specified assessment action*** has the meaning given by an instrument made by the Minister under subsection 92F(1).

*Organisation treated as having taken specified assessment action*

(5) Specified assessment action taken by the operation of a computer program under an arrangement under subsection (1) is treated, for all purposes, as specified assessment action taken by the Organisation.

*Substituting specified assessment action*

(6) The Organisation may take specified assessment action (the ***substituted action***) in substitution for specified assessment action the Organisation is treated as having taken under subsection (5) if the Organisation is satisfied that the specified assessment action taken by the operation of the computer program is not the correct or preferable action.

(7) The substituted action takes effect on:

(a) if the Organisation specifies the day on which the substituted action takes effect—that specified day; or

(b) otherwise—the day of the specified assessment action taken by the operation of the computer program.

(8) The day specified under paragraph (7)(a) may be earlier than the day the substituted action is taken but not earlier than the day of the specified assessment action taken by the operation of the computer program.

*Organisation may still take specified assessment action*

(9) An arrangement under subsection (1) does not prevent the Organisation from taking specified assessment action.

*Reference to Organisation*

(10) In this section, a reference to the Organisation includes a reference to the Director-General exercising powers or performing functions on behalf of the Organisation.

*Arrangement not a legislative instrument*

(11) An arrangement under subsection (1) is not a legislative instrument.

## 92F Instrument defining specified assessment action

(1) The Minister may make an instrument for the purposes of subsection 92E(4) (meaning of ***specified assessment action***).

Note: For variation and revocation of an instrument, see subsection 33(3) of the *Acts Interpretation Act 1901*.

(2) Before making an instrument under subsection (1), the Minister must consult the Inspector-General of Intelligence and Security.

(3) As soon as practicable after making an instrument under subsection (1), the Minister must:

(a) notify the Committee on Intelligence and Security; and

(b) give a copy of the instrument to the Inspector-General of Intelligence and Security.

(4) The Committee on Intelligence and Security may request a briefing on the instrument.

(5) An instrument made under subsection (1) is not a legislative instrument.

### 92G Oversight and safeguards for automation of specified assessment action

*Director-General to ensure specified assessment action is action that could be validly taken*

(1) The Director-General must take all reasonable steps to ensure that specified assessment action taken by the operation of a computer program under an arrangement under subsection 92E(1) is specified assessment action that the Organisation could validly take under this Act.

(2) Without limiting subsection (1), the Director-General must do the things (if any) prescribed by the regulations for the purposes of this subsection.

Note: Specified assessment action may still be invalid even if subsections (1) and (2) are complied with.

(3) A failure to comply with subsection (1) or (2) does not affect the validity of the specified assessment action taken by the operation of a computer program under an arrangement under subsection 92E(1).

*Reference to Organisation*

(4) In this section, a reference to the Organisation includes a reference to the Director-General exercising powers or performing functions on behalf of the Organisation.

### 31 Application and saving provisions

(1) Division 2A of Part II of the *Australian Crime Commission Act 2002*, as in force immediately before the commencement of this item, continues to apply on and after that commencement in relation to a criminal intelligence assessment that was completed before the commencement of this item.

(2) The amendment of subsection 36(1) of the *Australian Security Intelligence Organisation Act 1979* made by this Division applies in relation to a security assessment provided on or after the commencement of this item.

## Division 3—Spent etc. convictions

## *Crimes Act 1914*

### 32 Subsection 85ZP(3) (note)

Repeal the note, substitute:

Note: There are exceptions in sections 85ZZJC (use and disclosure of spent conviction etc. information by ASIO, ACC and other intelligence or security agencies) and 85ZZL (criminal proceedings before the Federal Court of Australia).

### 33 After section 85ZZJ

Insert:

## Subdivision BA—Exclusions relating to ASIO and ACC (Divisions 2 and 3)

### 34 Section 85ZZJA (heading)

Repeal the heading, substitute:

### 85ZZJA Exclusions—ASIO

## 35 Subsection 85ZZJA(1)

Omit "Division 3 does", substitute "Divisions 2 and 3 do".

## 36 Before Subdivision C of Division 6 of Part VIIC

Insert:

### 85ZZJB Exclusions—ACC

(1) Divisions 2 and 3 do not apply in relation to:

(a) the disclosure of information to or by the ACC, or an ACC officer, if the disclosure is made for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

(b) filing or recording information that comes into the possession of the ACC, or an ACC officer, if the filing or recording is done for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

(c) the use by the ACC, or an ACC officer, of information for the purposes of the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

Note 1: The ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002* relates to criminal intelligence assessments.

Note 2: The ACC is also covered by section 85ZZJ (see the definition of ***law enforcement agency*** in section 85ZL).

(2) In this section:

***ACC officer*** means:

(a) a member of the staff of the ACC; or

(b) the Chief Executive Officer of the ACC.

## Subdivision BB—Use and disclosure of spent etc. conviction information by ASIO, ACC and other intelligence or security agencies

### 85ZZJC Use and disclosure of spent etc. conviction information by ASIO, ACC and other intelligence or security agencies

*Spent, pardoned and quashed convictions*

(1) ASIO or an ASIO officer may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, in the performance of the functions, or the exercise of the powers, of ASIO or the officer.

(2) The ACC or an ACC officer may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, in the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

Note: The ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002* relates to criminal intelligence assessments.

(3) An intelligence or security agency may use or disclose information, relating to a person's conviction of an offence that is spent, pardoned or quashed, for the purpose of assessing:

(a) prospective employees or prospective members of the agency; or

(b) persons proposed to be engaged as consultants to, or to perform services for, the agency or a member of the agency.

*Persons being found guilty of offences but discharged without conviction*

(4) ASIO or an ASIO officer may use or disclose information, relating to a person having been charged with and found guilty of an offence but discharged without conviction, in the performance of the functions, or the exercise of the powers, of ASIO or the officer.

(5) The ACC or an ACC officer may use or disclose information, relating to a person having been charged with and found guilty of

an offence but discharged without conviction, in the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

Note: The ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002* relates to criminal intelligence assessments.

(6) An intelligence or security agency may use or disclose information, relating to a person having been charged with and found guilty of an offence but discharged without conviction, for the purpose of assessing:

(a) prospective employees or prospective members of the agency; or

(b) persons proposed to be engaged as consultants to, or to perform services for, the agency or a member of the agency.

*Relationship with other laws*

(7) Nothing in this section limits any other power of ASIO, the ACC or an intelligence or security agency to use or disclose information:

(a) relating to a person's conviction of an offence that is spent, pardoned or quashed; or

(b) relating to a person having been charged with and found guilty of an offence but discharged without conviction.

*Interpretation*

(8) This section has effect:

(a) despite subsection 85ZP(3) and Divisions 2 and 3; and

(b) despite any law of a State or Territory.

(9) In this section:

***ACC officer*** means:

(a) a member of the staff of the ACC; or

(b) the Chief Executive Officer of the ACC.

***ASIO*** means the Australian Security Intelligence Organisation.

***ASIO officer*** means:

(a) the Director-General of Security; or

(b) an ASIO employee (within the meaning of the *Australian Security Intelligence Organisation Act 1979*); or

(c) an ASIO affiliate (within the meaning of that Act).

### 37 Application provision

The amendments made by this Division apply in relation to the use or disclosure of information on or after the commencement of this item, whether the information was obtained before, on or after that commencement.

## Division 4—Consequential amendments

## *Administrative Decisions (Judicial Review) Act 1977*

### 38 Paragraph (wa) of Schedule 1

Omit "Division 2A of Part II", substitute "Part III".

## *Administrative Review Tribunal Act 2024*

### 39 Section 4 (definition of *criminal intelligence assessment*)

Omit "Division 2A of Part II", substitute "Part III".

### 40 Section 4 (subparagraph (b)(iii) of the definition of *exempt security record decision*)

Omit "Division 2A of Part II", substitute "Part III".

### 41 Section 4 (definition of *law enforcement interests*)

Repeal the definition.

### 42 Section 4

Insert:

***law enforcement or intelligence interests*** has the same meaning as in Part III of the *Australian Crime Commission Act 2002*.

### 43 Subsection 141(3) (table item 1, column 2)

Omit "subsection 36C(5)", substitute "subsection 54D(7)".

### 44 Paragraph 156(2)(b)

Repeal the paragraph, substitute:

(b) law enforcement or intelligence interests.

### 45 Paragraph 158(3)(b)

Omit "law enforcement interests", substitute "law enforcement or intelligence interests".

### 46 Paragraph 161(2)(c)

Omit "law enforcement interests", substitute "law enforcement or intelligence interests".

### 47 Subsection 162(1) (table item 1, column 2)

Omit "subsection 36C(5)", substitute "subsection 54D(7)".

## *AusCheck Act 2007*

### 48 Paragraph 5(ba)

Omit "as defined in section 36A", substitute "within the meaning of Part III".

## *AusCheck Regulations 2017*

### 49 Section 4 (definition of *adverse criminal intelligence assessment*)

Omit "section 36A", substitute "Part III".

### 50 Section 4 (definition of *high risk criminal intelligence assessment*)

Repeal the definition.

### 51 Subsection 13(4A) (heading)

Omit "*high risk*", substitute "*adverse*".

### 52 Subsection 13(4A)

Omit "a high risk", substitute "an adverse".

### 53 Subsection 14(6) (heading)

Omit "*high risk*", substitute "*adverse*".

### 54 Subsection 14(6)

Omit "a high risk", substitute "an adverse".

### 55 Subparagraph 23(b)(iia)

Omit "a high risk", substitute "an adverse".

### 56 In the appropriate position in Part 5

Insert:

## Division 9—Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

### 45 Application provision—amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

(1) The amendments of sections 13, 14 and 23 made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the following:

(a) an application for a background check made on or after the commencement of this section;

(b) an application for a background check made before the commencement of this section that had not been completed before that commencement.

(2) In relation to a background check covered by paragraph (1)(b), subsections 13(4A) and 14(6) and subparagraph 23(b)(iia), as in force on or after the commencement of this section, apply as if a reference to an adverse criminal intelligence assessment included a reference to a high risk criminal intelligence assessment (within the meaning of this instrument as in force immediately before that commencement).

## *Australian Border Force Act 2015*

### 57 After paragraph 46(j)

Insert:

(ja) a purpose relating to the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;

## *Aviation Transport Security Act 2004*

### 58 Section 4

Omit "serious crime", substitute "serious and organised crime".

### 59 Section 9

Insert:

***serious and organised crime*** has the same meaning as in Part III of the *Australian Crime Commission Act 2002*.

### 60 Section 27

Omit "serious crime", substitute "serious and organised crime".

### 61 Division 4A of Part 3 (heading)

Repeal the heading, substitute:

## Division 4A—Serious and organised crime

### 62 Section 38AA

Omit "serious crime", substitute "serious and organised crime".

### 63 Subsection 38AB(1)

Omit "serious crime", substitute "serious and organised crime".

### 64 Subsection 44C(1)

Omit "serious crime", substitute "serious and organised crime".

## *Aviation Transport Security Regulations 2005*

### 65 Subregulation 6.01(1) (definition of *adverse criminal intelligence assessment*)

Omit "section 36A", substitute "Part III".

### 66 Subregulation 6.01(1) (note to the definition of *adverse criminal intelligence assessment*)

Omit "section 36D and Subdivision C of Division 2A of Part II", substitute "section 54E and Division 4 of Part III".

### 67 Paragraph 6.27AA(3)(c)

Omit "serious crime", substitute "serious and organised crime".

### 68 Paragraph 6.28(1)(ea)

Omit "person issuing the assessment", substitute "Chief Executive Officer of the Australian Crime Commission".

### 69 Paragraph 6.28(1)(ea)

Omit "serious crime", substitute "serious and organised crime".

### 70 Paragraph 6.28(4G)(a)

Omit "and (c)", substitute ", (c) and (ea)".

### 71 Subparagraph 6.42A(1)(b)(ii)

Omit "serious crime", substitute "serious and organised crime".

### 72 Paragraph 6.43(2)(bb)

Omit "person issuing the assessment", substitute "Chief Executive Officer of the Australian Crime Commission".

### 73 Paragraph 6.43(2)(bb)

Omit "serious crime", substitute "serious and organised crime".

### 74 Subregulation 6.44(2)

Omit "serious crime", substitute "serious and organised crime".

## 75 In the appropriate position in Part 10

Insert:

# Division 25—Amendments made by the Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

### 10.56 Application of amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

(1) The amendment of paragraph 6.27AA(3)(c) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to an application for a background check made on or after the commencement of that Part.

(2) The amendments of regulation 6.28 made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the issue of an ASIC on or after the commencement of that Part.

(3) The amendment of subparagraph 6.42A(1)(b)(ii) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a direction made on or after the commencement of that Part.

(4) The amendments of paragraph 6.43(2)(bb) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a cancellation of an ASIC on or after the commencement of that Part, whether the ASIC was issued before, on or after that commencement.

(5) The amendment of subregulation 6.44(2) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a cancellation of an ASIC, VIC or TAC on or after the

commencement of that Part, whether the ASIC, VIC or TAC was issued before, on or after that commencement.

## *Crimes Act 1914*

### 76 After paragraph 3ZQU(1)(d)

Insert:

(da) the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;

## *Maritime Transport and Offshore Facilities Security Act 2003*

### 77 Section 10

Insert:

***serious and organised crime*** has the same meaning as in Part III of the *Australian Crime Commission Act 2002*.

### 78 Section 101

Omit "serious crime", substitute "serious and organised crime".

### 79 Division 6 of Part 6 (heading)

Repeal the heading, substitute:

## Division 6—Serious and organised crime

### 80 Section 113E

Omit "serious crime", substitute "serious and organised crime".

### 81 Subsection 113F(1)

Omit "serious crime", substitute "serious and organised crime".

## *Maritime Transport and Offshore Facilities Security Regulations 2003*

### 82 Subregulation 6.07B(1) (definition of *adverse criminal intelligence assessment*)

Omit "section 36A", substitute "Part III".

### 83 Paragraph 6.08C(1)(da)

Omit "person issuing the assessment", substitute "Chief Executive Officer of the Australian Crime Commission".

### 84 Paragraph 6.08C(1)(da)

Omit "serious crime", substitute "serious and organised crime".

### 85 At the end of subregulation 6.08C(5)

Add:

; and (c) the person meets the criteria in paragraph (1)(da).

### 86 Paragraph 6.08D(1)(b)

Omit "person issuing the assessment", substitute "Chief Executive Officer of the Australian Crime Commission".

### 87 Paragraph 6.08D(1)(b)

Omit "serious crime", substitute "serious and organised crime".

### 88 Subregulation 6.08D(1) (note)

Omit "section 36D and Subdivision C of Division 2A of Part II", substitute "section 54E and Division 4 of Part III".

### 89 Subregulation 6.08D(3)

Omit "serious crime", substitute "serious and organised crime".

### 90 Subregulation 6.08F(8)

Omit "serious crime", substitute "serious and organised crime".

### 91 Paragraph 6.08LC(1)(c)

Omit "serious crime", substitute "serious and organised crime".

### 92 Subparagraph 6.08LE(1)(b)(ii)

Omit "serious crime", substitute "serious and organised crime".

### 93 Paragraph 6.08M(1)(cb)

Omit "person issuing the assessment", substitute "Chief Executive Officer of the Australian Crime Commission".

### 94 Paragraph 6.08M(1)(cb)

Omit "serious crime", substitute "serious and organised crime".

### 95 Subregulation 6.08O(3)

Omit "serious crime", substitute "serious and organised crime".

### 96 In the appropriate position in Schedule 2

Insert:

# Part 15—Amendments made by the Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026

### 123 Application of amendments made by the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*

(1) The amendments of regulation 6.08C made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to the issue of an MSIC on or after the commencement of that Part.

(2) The amendments of paragraph 6.08D(1)(b) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to an adverse criminal intelligence assessment given on or after the commencement of that Part.

(3) The amendments of subregulations 6.08D(3) and 6.08F(8) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a direction made on or after the commencement of that Part.

(4) The amendment of paragraph 6.08LC(1)(c) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to an application for a background check made on or after the commencement of that Part.

(5) The amendment of subparagraph 6.08LE(1)(b)(ii) made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* applies in relation to a direction made on or after the commencement of that Part.

(6) The amendments of regulations 6.08M and 6.08O made by Division 4 of Part 2 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to a cancellation of an MSIC on or after the commencement of that Part, whether the MSIC was issued before, on or after that commencement.

## *Surveillance Devices Act 2004*

### 97 After paragraph 45(5)(g)

Insert:

(ga) the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;

(gb) a proceeding relating to the review of an adverse criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*);

### 98 After subsection 45(7)

Insert:

(7A) Subsection (7) does not apply in relation to the Australian Crime Commission in connection with the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

### 99 After paragraph 45B(5)(b)

Insert:

(ba) the performance of the Australian Crime Commission's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*;

## *Telecommunications (Interception and Access) Act 1979*

### 100 Subsection 5(1) (before subparagraph (aa)(i) of the definition of *permitted purpose*)

Insert:

(ia) the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 101 After paragraph 5B(1)(a)

Insert:

(aa) a proceeding by way of review of a decision of the Organisation to make an adverse security assessment (within the meaning of Part IV of the *Australian Security Intelligence Organisation Act 1979*) or a qualified security assessment (within the meaning of that Part); or

(ab) a proceeding by way of review of a decision of the ACC to make an adverse criminal intelligence assessment (within the meaning of Part III of the *Australian Crime Commission Act 2002*); or

### 102 After subsection 67(1C)

Insert:

(1D) An officer of the ACC may communicate to another person, make use of, or make a record of information mentioned in paragraph (1A)(c) for the purpose of the performance of the ACC's

function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

(1E) Subsection (1D) does not apply if the information mentioned in paragraph (1A)(c) was obtained by an officer of the ACC:

(a) by, or in connection with, intercepting a communication when exercising authority under a warrant issued to another agency; or

(b) as a result of a communication in accordance with section 66, where the information was obtained by intercepting a communication under a warrant issued to another agency.

## 103 After paragraph 68(a)

Insert:

(aa) if the information relates, or appears to relate, to the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*—to the Chief Executive Officer of the ACC; and

## 104 Subsection 73(1)

Omit "subsections (2) and (3)", substitute "subsections (1A), (2) and (3)".

## 105 After subsection 73(1)

Insert:

(1A) Subsection (1) does not apply in relation to an officer of the ACC in connection with the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

## 106 At the end of subsection 139(2)

Add:

; or (f) the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

## 107 Section 142

Before "A person", insert "(1)".

## 108 At the end of section 142

Add:

(2) Subsection (1) does not apply in relation to an officer of the ACC in connection with the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

## 109 Section 178 (at the end of the heading)

Add "**etc.**".

## 110 Subsection 178(3)

Repeal the subsection, substitute:

(3) The authorised officer must not make the authorisation unless the authorised officer is satisfied that the disclosure is reasonably necessary for:

(a) in any case—the enforcement of the criminal law; or

(b) in the case of an authorised officer of the ACC—the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

## 111 Subsection 180(4)

Omit "the investigation of".

## 112 Paragraph 180(4)(a)

Before "a", insert "in any case—the investigation of".

## 113 Paragraph 180(4)(b)

Before "an", insert "in any case—the investigation of".

## 114 At the end of subsection 180(4)

Add:

; or (c) in the case of an authorised officer of the ACC—the performance of the ACC's function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*.

### 115 After subparagraph 181A(3)(b)(ii)

Insert:

(iia) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 116 After subparagraph 181A(6)(b)(ii)

Insert:

(iia) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 117 After subparagraph 181B(3)(b)(iib)

Insert:

(iic) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 118 After subparagraph 181B(6)(b)(iab)

Insert:

(iac) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 119 After subparagraph 182(2)(a)(iiib)

Insert:

(iiic) for the performance by the ACC of its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

### 120 After subparagraph 182(3)(a)(iib)

Insert:

(iic) for the performance by the ACC of its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

## 121 After subparagraph 182B(b)(ivb)

Insert:

(ivc) to enable the ACC to perform its function covered by paragraph 7A(da) of the *Australian Crime Commission Act 2002*; or

# Part 3—Transmission of firearms information and other information to ACIC

## *Customs Act 1901*

### 122 Section 273L

Repeal the section, substitute:

### 273L Transmission of firearms information and other information to ACIC

*Home Affairs Secretary*

(1) The Home Affairs Secretary may disclose firearms information, or other information prescribed by the regulations for the purposes of this subsection, that is contained in one or more electronic systems under the control of the Home Affairs Secretary, to the ACIC CEO.

Note: This section constitutes an authorisation for the purposes of other laws, such as Australian Privacy Principle 6 of the *Privacy Act 1988*.

(2) Without limiting subsection (1), the Home Affairs Secretary may disclose information mentioned in subsection (1) by arranging for the automatic transmission of that information to one or more electronic systems under the control of the ACIC CEO.

*Comptroller-General of Customs*

(3) The Comptroller-General of Customs may disclose firearms information, or other information prescribed by the regulations for the purposes of this subsection, that is contained in one or more electronic systems under the control of the Comptroller-General of Customs, to the ACIC CEO.

Note 1: See subsection 4(1) for the definition of ***Comptroller-General of Customs***.

Note 2: This section constitutes an authorisation for the purposes of other laws, such as Australian Privacy Principle 6 of the *Privacy Act 1988*.

(4) Without limiting subsection (3), the Comptroller-General of Customs may disclose information mentioned in subsection (3) by arranging for the automatic transmission of that information to one or more electronic systems under the control of the ACIC CEO.

*Firearms information*

(5) ***Firearms information*** is information relating to firearms or other goods relating to firearms (including firearms frames, firearms receivers and firearms sound suppressors). That information may include the following:

(a) information relating to the import or export of the firearms or other goods;

(b) information relating to licences or permits (however described) for the firearms or other goods;

(c) personal information or other information in relation to one or more persons.

*Other prescribed information*

(6) Information prescribed for the purposes of subsection (1) or (3) must be information relating to goods that are not firearms or other goods relating to firearms. That information may include the following:

(a) information relating to the import or export of the goods;

(b) information relating to licences or permits (however described) for the goods;

(c) personal information or other information in relation to one or more persons.

*General definitions*

(7) In this section:

***ACIC*** means the agency known as the Australian Criminal Intelligence Commission established by the *Australian Crime Commission Act 2002*.

***ACIC CEO*** means the Chief Executive Officer of the ACIC.

***Home Affairs Secretary*** means the Secretary of the Department administered by the Minister administering the *Australian Border Force Act 2015*.

***personal information*** has the same meaning as in the *Privacy Act 1988*.

### 273M Entry and transmission of information by computer

If this Act requires or permits information (including information in the form of particular words) to be entered into or transmitted by a computer (however described), the information may be entered into or transmitted by the computer in an encoded form chosen by:

(a) except in relation to subsection 273L(2)—the Comptroller-General of Customs; or

(b) in relation to subsection 273L(2)—the Home Affairs Secretary within the meaning of section 273L.

## 123 Application provision

Section 273L of the *Customs Act 1901*, as substituted by this Part, applies in relation to information disclosed on or after the commencement of this item, whether the information was obtained or generated before, on or after that commencement.

# Part 4—Public safety tests for firearms and weapons

## Division 1—Amendments

### *Customs (Prohibited Imports) Regulations 1956*

#### 124 Subregulation 2(1)

Insert:

***fails the public safety test for firearms*** has the meaning given by subregulation 4FA(5).

***fails the public safety test for weapons*** has the meaning given by subregulation 4HA(5).

***passes the public safety test for firearms*** has the meaning given by subregulation 4FA(4).

***passes the public safety test for weapons*** has the meaning given by subregulation 4HA(4).

***public safety test for firearms*** means the rules made by the Minister under subregulation 4FA(6).

***public safety test for weapons*** means the rules made by the Minister under subregulation 4HA(6).

#### 125 At the end of subregulation 4F(1)

Add:

; and (c) if the public safety test for firearms is applied under regulation 4FA to the importation of the article—the importation of the article passes the public safety test for firearms.

#### 126 After subregulation 4F(1)

Insert:

(1AA) Despite subregulation (1), the importation of an article that fails the public safety test for firearms is not prohibited if the importation of the article complies with the public interest test set out in item 8A,

or the national interest test set out in item 8B, of Part 1 of Schedule 6.

## 127 After regulation 4F

Insert:

### 4FA Public safety test for firearms

*Minister may apply public safety test for firearms*

(1) At or before the importation of an article to which regulation 4F applies, the Minister may assess whether the importation of the article poses a risk to the health, safety or security of the public or a segment of the public.

Note: Regulation 4F applies to the importation of firearms, firearm accessories, firearm parts, firearm magazines, ammunition, components of ammunition and imitations.

(2) To avoid doubt, the Minister does not have any obligation to consider whether to assess the importation of an article under subregulation (1).

(3) The Minister may, at any time, require the person importing the article to give to the Minister any information that the Minister reasonably requires for the purpose of assessing the importation of the article.

*When importation of an article passes or fails the public safety test for firearms*

(4) The importation of an article ***passes the public safety test for firearms*** if:

(a) the Minister assesses the importation of the article under subregulation (1); and

(b) the Minister determines, in accordance with the legislative instrument made under subregulation (6), that the importation of the article does not pose a risk to the health, safety or security of the public or a segment of the public.

(5) The importation of an article ***fails the public safety test for firearms*** if:

(a) the Minister assesses the importation of the article under subregulation (1); and

(b) the Minister determines, in accordance with the legislative instrument made under subregulation (6), that the importation of the article poses a risk to the health, safety or security of the public or a segment of the public.

Note: If the importation of an article fails the public safety test for firearms, the article is generally prohibited from being imported (see subregulations 4F(1) and (1AA)).

*Rules relating to public safety test for firearms*

(6) For the purposes of this regulation, the Minister must, by legislative instrument, makes rules for and in relation to whether the importation of an article to which regulation 4F applies poses a risk to the health, safety or security of the public or a segment of the public.

*Public includes emergency services personnel*

(7) To avoid doubt, a reference in this section to the public or a segment of the public includes a reference to emergency services personnel who serve the public.

## 128 Subregulation 4H(1)

Repeal the subregulation, substitute:

(1) Subject to subregulation (2), the importation into Australia of a weapon or weapon part of the kind mentioned in an item in Part 2 of Schedule 13 is prohibited unless:

(a) the importation is in accordance with the requirements set out in the item; and

(b) if the public safety test for weapons is applied under regulation 4HA to the importation of the goods—the importation of the goods passes the public safety test for weapons.

(1A) Despite subregulation (1), the importation of goods that fail the public safety test for weapons is not prohibited if the importation of the goods complies with the public interest test set out in item 9,

or the national interest test set out in item 10, of Part 1 of Schedule 13.

## 129 After regulation 4H

Insert:

### 4HA Public safety test for weapons

*Minister may apply public safety test for weapons*

(1) At or before the importation of goods to which regulation 4H applies, the Minister may assess whether the importation of the goods poses a risk to the health, safety or security of the public or a segment of the public.

Note: Regulation 4H applies to the importation of weapons and weapon parts.

(2) To avoid doubt, the Minister does not have any obligation to consider whether to assess the importation of goods under subregulation (1).

(3) The Minister may, at any time, require the person importing the goods to give to the Minister any information that the Minister reasonably requires for the purpose of assessing the importation of the goods.

*When importation of goods passes or fails the public safety test for weapons*

(4) The importation of goods ***passes the public safety test for weapons*** if:

(a) the Minister assesses the importation of the goods under subregulation (1); and

(b) the Minister determines, in accordance with the legislative instrument made under subregulation (6), that the importation of the goods does not pose a risk to the health, safety or security of the public or a segment of the public.

(5) The importation of goods ***fails the public safety test for weapons*** if:

(a) the Minister assesses the importation of the goods under subregulation (1); and

(b) the Minister determines, in accordance with the legislative instrument made under subregulation (6), that the importation of the goods poses a risk to the health, safety or security of the public or a segment of the public.

Note: If the importation of goods fails the public safety test for weapons, the goods are generally prohibited from being imported (see subregulations 4H(1) and (1A)).

*Rules relating to public safety test for weapons*

(6) For the purposes of this regulation, the Minister must, by legislative instrument, makes rules for and in relation to whether the importation of goods to which regulation 4H applies poses a risk to the health, safety or security of the public or a segment of the public.

*Public includes emergency services personnel*

(7) To avoid doubt, a reference in this section to the public or a segment of the public includes a reference to emergency services personnel who serve the public.

## 130 Part 1 of Schedule 6

After "A reference in column 3 of Part 2 of this Schedule to compliance with a test means compliance in the following manner:", insert:

Note: The public safety test for firearms may be applied to an article in addition to the tests in this Part. If the importation of the article fails the public safety test for firearms, the importation of the article will be prohibited unless the Minister gives written permission for the importation of the article under the public interest test or the national interest test in this Part (see subregulation 4F(1AA)).

## 131 Part 1 of Schedule 13

After "A reference in column 3 of Part 2 of this Schedule to compliance with a test means compliance in the following manner:", insert:

Note: The public safety test for weapons may be applied to goods in addition to the tests in this Part. If the importation of the goods fails the public safety test for weapons, the importation of the goods will be prohibited unless the Minister gives written permission for the

importation of the goods under the public interest test or the national interest test in this Part (see subregulation 4H(1A)).

## Division 2—Application of amendments made by this Part

### *Customs (Prohibited Imports) Regulations 1956*

#### 132 At the end of regulation 22

Add:

(2) The amendments of these Regulations made by Part 4 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to:

(a) any application for permission to import goods into Australia made at or after the commencement of that Part; and

(b) any application for permission to import goods into Australia made before that commencement that has not been finally decided; and

(c) any documentation given at or after that commencement to facilitate the importation of goods into Australia; and

(d) any documentation given before that commencement to facilitate the importation of goods into Australia, where the goods are imported into Australia on or after that commencement.

# Part 5—Importation of firearms

## Division 1—Assisted repeating action and straight pull repeating action firearms

### *Customs (Prohibited Imports) Regulations 1956*

#### 133 Subregulation 2(1)

Insert:

***assisted repeating action*** has the meaning given by subregulation 4F(4).

***straight pull repeating action*** has the meaning given by subregulation 4F(4).

#### 134 Subregulation 4F(4)

Insert:

***assisted repeating action***: a firearm is an ***assisted repeating action*** firearm if:

(a) the firearm operates with a self-opening repeating action, or a self-closing repeating action; and

(b) the cycle of operation of the firearm is partly automated.

***straight pull repeating action***: a firearm is a ***straight pull repeating action*** firearm if the firearm is operated by movement of a bolt or handle along a single linear axis (that is, without rotation).

#### 135 Part 2 of Schedule 6 (table item 1, column 2, paragraph (c))

Repeal the paragraph, substitute:

(c) a rimfire rifle, other than a semi-automatic rimfire rifle or an assisted repeating action or straight pull repeating action rimfire rifle;

#### 136 Part 2 of Schedule 6 (table item 2, column 2, paragraph (d))

Repeal the paragraph, substitute:

(d) a repeating action centre fire rifle, other than an assisted repeating action or straight pull repeating action centre fire rifle;

### 137 Part 2 of Schedule 6 (table item 2, column 2, paragraph (f))

Repeal the paragraph, substitute:

(f) a repeating bolt action shotgun, other than an assisted repeating action or straight pull repeating action shotgun;

### 138 Part 2 of Schedule 6 (table item 2, column 2, paragraph (g))

After "lever action shotgun", insert "that is not an assisted repeating action or straight pull repeating action shotgun, and that is".

### 139 Part 2 of Schedule 6 (table item 2, column 2, paragraph (ga))

Repeal the paragraph.

### 140 Part 2 of Schedule 6 (at the end of table item 3, column 2)

Add:

An assisted repeating action or straight pull repeating action shotgun that is:

(a) without a firearm magazine; or

(b) fitted with a firearm magazine of a capacity no greater than 5 rounds.

An assisted repeating action or straight pull repeating action rimfire rifle that is:

(a) without a firearm magazine; or

(b) fitted with a firearm magazine of a capacity no greater than 10 rounds.

### 141 Part 2 of Schedule 6 (table item 3, column 3)

After "rimfire rifle", insert ", or assisted repeating action or straight pull repeating action rimfire rifle".

### 142 Part 2 of Schedule 6 (table item 3, column 3)

After "repeating shotgun", insert ", or assisted repeating action or straight pull repeating action shotgun".

### 143 Part 2 of Schedule 6 (table item 6, column 2, after paragraph (b))

Insert:

(ba) an assisted repeating action or straight pull repeating action rimfire rifle fitted with a firearm magazine of a capacity greater than 10 rounds;

### 144 Part 2 of Schedule 6 (table item 6, column 2, paragraph (da))

Repeal the paragraph, substitute:

(da) an assisted repeating action or straight pull repeating action shotgun fitted with a magazine of capacity greater than 5 rounds;

(db) an assisted repeating action or straight pull repeating action centre fire rifle;

### 145 Part 2 of Schedule 6 (table item 15, column 2, paragraph (d))

Repeal the paragraph, substitute:

(d) assisted repeating action or straight pull repeating action shotguns;

### 146 Part 2 of Schedule 6 (table item 16, column 2, after paragraph (c))

Insert:

or (d) assisted repeating action or straight pull repeating action rimfire rifles; or

(e) assisted repeating action or straight pull repeating action centre fire rifles;

### 147 Part 2 of Schedule 6 (cell at table item 16A, column 2)

Repeal the cell, substitute:

Detachable firearm magazine (other than a firearm magazine to which item 14A, 14B or 16 applies), having a capacity of more than 15 rounds, for repeating action centre-fire rifles, whether or not attached to a firearm.

## Division 2—Belt feeders

## *Customs (Prohibited Imports) Regulations 1956*

### 148 Part 2 of Schedule 6 (table item 1, column 2, paragraph (e))

After "capability", insert "or is operated using belt-fed ammunition".

### 149 Part 2 of Schedule 6 (table item 2, column 2, paragraph (h))

After "capability", insert "or is operated using belt-fed ammunition".

### 150 Part 2 of Schedule 6 (table item 3, column 2, paragraph (a))

After "capability", insert "or is operated using belt-fed ammunition".

### 151 Part 2 of Schedule 6 (table item 6, column 2, paragraph (e))

After "capability", insert "or is operated using belt-fed ammunition".

### 152 Part 2 of Schedule 6 (table item 9, column 2, paragraph (d))

After "capability", insert "or is operated using belt-fed ammunition".

## Division 3—Magazines over 30 rounds

## *Customs (Prohibited Imports) Regulations 1956*

### 153 Part 2 of Schedule 6 (after table item 16A)

Insert:

| | | |
|---|---|---|
| 16B | Detachable firearm magazine having a capacity of more than 30 rounds (other than a firearm magazine to which item 14A, 14B, 15, 16 or 16A applies), whether or not attached to a firearm. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the specified person test;<br>(d) the returned goods test. |

### 154 Part 2 of Schedule 6 (table item 17, column 2, paragraph (a))

Omit "or 16A applies", substitute ", 16A or 16B applies".

## Division 4—Handguns

### *Customs (Prohibited Imports) Regulations 1956*

#### 155 Paragraph 4.1(c) of Part 1 of Schedule 6

Repeal the paragraph.

#### 156 Subparagraph 4.1(d)(ii) of Part 1 of Schedule 6

Omit "or category H".

#### 157 Subitem 4.2 of Part 1 of Schedule 6

Repeal the subitem.

#### 158 Subitem 5.1 of Part 1 of Schedule 6

After "category C article", insert ", or a category H article,".

#### 159 Subitem 5.2 of Part 1 of Schedule 6 (note)

Omit "and ***restricted category C article***", substitute ", ***restricted category C article*** and ***category H article***".

#### 160 Subitem 5A.1 of Part 1 of Schedule 6

After "category C article", insert ", or a category H article,".

#### 161 Subitem 5A.2 of Part 1 of Schedule 6 (note)

Omit "and ***restricted category C article***", substitute "***restricted category C article*** and ***category H article***".

#### 162 Item 6 of Part 1 of Schedule 6 (heading)

Omit "**—Category C and D articles**".

#### 163 Subitem 6.1 of Part 1 of Schedule 6

Omit "or Category D", substitute ", Category D or Category H".

#### 164 Subitem 6.2 of Part 1 of Schedule 6 (note)

After "***Category D article***", insert ", ***Category H article***".

## 165 Item 7 of Part 1 of Schedule 6

Repeal the item, substitute:

### 7. Handgun test

7.1 The importation of a category H article complies with the handgun test if, at or before importation, the Minister gives written permission under this item for the importation of the article.

7.2 The Minister may give written permission for the importation of the article only if the Minister is satisfied that the importer is:

(a) a certified buyer for the article; or

(b) certified for business or occupational purposes for the article; or

(c) a certified collector for the article; or

(d) exempt from holding, or not required to hold, a licence for the article.

Note: For the definitions of ***category H article***, ***certified buyer***, ***certified for business or occupational purposes*** and ***certified collector***, see Part 4.

## 166 Part 2 of Schedule 6 (cell at table item 9, column 3)

Repeal the cell, substitute:

The importation must comply with at least one of the following tests:

(a) the official purposes test;

(b) the specified purposes test;

(c) the specified person test;

(d) the sports shooter test;

(e) the international sports shooter test;

(f) the dealer test;

(g) the handgun test;

(h) the returned goods test.

If item 1A of Part 3 of this Schedule applies to the firearm—the firearm must comply with the identification requirements set out in the item.

If item 1 of Part 3 of this Schedule applies to the firearm—the firearm must comply with the safety requirements set out in the item.

### 167 Part 2 of Schedule 6 (table item 9B, column 3, paragraph (d))

Repeal the paragraph, substitute:

(d) the sports shooter test;

(da) the international sports shooter test;

### 168 Part 2 of Schedule 6 (table item 9B, column 3, after paragraph (e))

Insert:

(ea) the handgun test;

### 169 Part 2 of Schedule 6 (table item 10, column 3, paragraph (d))

Repeal the paragraph, substitute:

(d) the sports shooter test;

(da) the international sports shooter test;

(db) the dealer test;

(dc) the handgun test;

### 170 Part 2 of Schedule 6 (at the end of the cell at table item 17, column 3)

Add:

; (f) the sports shooter test;

(g) the international sports shooter test;

(h) the handgun test.

### 171 At the end of subitem 3A.1 of Part 4 of Schedule 6

Add:

; or (c) a firearm part covered by item 10 of Part 2; or

(e) a firearm magazine covered by item 17 of Part 2.

## Division 5—Frames and receivers

### *Customs (Prohibited Imports) Regulations 1956*

### 172 After paragraph 3E(1)(b)

Insert:

(ba) item 2A;

### 173 Part 2 of Schedule 6 (after table item 2)

Insert:

| | | |
|---|---|---|
| 2A | A frame or receiver of, or for, a firearm to which item 1 or 2 applies. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the specified person test;<br>(d) the police certification test.<br>If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item. |

### 174 Part 2 of Schedule 6 (table item 2B, column 2)

After "other than", insert "a frame or receiver, or".

### 175 Part 2 of Schedule 6 (after table item 3)

Insert:

| | | |
|---|---|---|
| 3A | A frame or receiver of, or for, a firearm to which item 3 applies. | For a frame or receiver of, or for, a semi-automatic rimfire rifle:<br>(a) the importation must comply with at least one of the following tests:<br>(i) the official purposes test;<br>(ii) the specified purposes test; |

(iii) the specified person test;
(iv) the police certification test;
(v) the dealer test;
(vi) the returned goods test; and

(b) if item 1A of Part 3 of this Schedule applies to the frame or receiver—the frame or receiver must comply with the identification requirements set out in the item.

For a frame or receiver of, or for, a semi-automatic shotgun or pump action repeating shotgun:

(a) the importation must comply with at least one of the following tests:
(i) the official purposes test;
(ii) the specified purposes test;
(iii) the specified person test;
(iv) the police certification test;
(v) the sports shooter test;
(vi) the international sports shooter test;
(vii) the dealer test;
(viii) the returned goods test; and

(b) if item 1A of Part 3 of this Schedule applies to the frame or receiver—the frame or receiver must comply with the identification requirements set out in the item.

## 176 Part 2 of Schedule 6 (at the end of the cell at table item 4, column 2)

Add:

; or (c) a frame or receiver.

## 177 Part 2 of Schedule 6 (after table item 6)

Insert:

| | | |
|---|---|---|
| 6A | A frame or receiver of, or for, a firearm to which item 6 applies. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the specified person test;<br>(d) the returned goods test;<br>(e) the dealer test.<br>If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item. |

## 178 Part 2 of Schedule 6 (at the end of the cell at table item 7, column 2)

Add:

; or (c) a frame or receiver.

## 179 Part 2 of Schedule 6 (table item 7, column 3)

Omit "For a frame or receiver to which item 1A of Part 3 of this Schedule applies, the frame or receiver must comply with the identification requirements set out in the item.".

## 180 Part 2 of Schedule 6 (after table item 12)

Insert:

| | | |
|---|---|---|
| 12A | A frame or receiver of, or for, a firearm to which item 12 applies. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the returned goods test.<br>If item 1A of Part 3 of this Schedule applies to the frame or receiver, the frame or receiver must comply with the identification requirements set out in the item. |

### 181 Part 2 of Schedule 6 (table item 13, column 2)

After "other than", insert "a frame or receiver, or".

### 182 Part 2 of Schedule 6 (table item 13, column 3)

Omit "For a frame or receiver to which item 1A of Part 3 of this Schedule applies, the frame or receiver must comply with the identification requirements set out in the item.".

## Division 6—Skirmish markers

## *Customs (Prohibited Imports) Regulations 1956*

### 183 Subregulation 2(1)

Insert:

***skirmish marker*** has the meaning given in subregulation 4F(4).

### 184 After paragraph 3E(1)(g)

Insert:

(ga) item 14B;

### 185 Subregulation 4F(4) (at the end of paragraph (c) of the definition of *firearm*)

Add:

; (xiii) a low power device that meets the requirements of a projectile toy under the *Consumer Goods (Projectile Toys) Safety Standard 2020*, as in force from time to time.

## 186 Subregulation 4F(4)

Insert:

***skirmish marker***:

(a) means a firearm that is designed to fire plastic, polymer or hydrated superabsorbent polymer balls, darts, discs or similar projectiles of any material; and

(b) includes goods commonly known as airsoft handguns, airsoft rifles, airsoft shotguns, blasters, gel blasters or gel ball blasters.

## 187 Part 2 of Schedule 6 (table item 1, column 2, paragraph (b))

Repeal the paragraph.

## 188 Part 2 of Schedule 6 (cell at table item 1, column 3)

Repeal the cell, substitute:

The importation must comply with at least one of the following tests:

(a) the official purposes test;

(b) the specified purposes test;

(c) the specified person test;

(d) the police certification test.

If item 1A of Part 3 of this Schedule applies to the firearm—the firearm must comply with the identification requirements set out in the item.

If item 1 of Part 3 of this Schedule applies to the firearm—the firearm must comply with the safety requirements set out in the item.

## 189 Part 2 of Schedule 6 (table item 9, column 2, paragraph (c))

Repeal the paragraph.

### 190 Part 2 of Schedule 6 (table item 12, column 2, paragraph (a))

Omit "or 14A", substitute ", 14A or 14B".

### 191 Part 2 of Schedule 6 (after table item 14A)

Insert:

| | | |
|---|---|---|
| 14B | Skirmish marker, other than a skirmish marker:<br>(a) that is substantially the same in appearance as a fully automatic firearm; or<br>(b) to which a firearm accessory is attached or is integral.<br>Firearm part of, or for, a skirmish marker mentioned in this item.<br>Detachable firearm magazine (other than a gravity-fed skirmish hopper) designed exclusively for use with a skirmish marker.<br>Plastic, polymer or hydratable superabsorbent polymer balls designed to be used as ammunition in a skirmish marker. | The importation must comply with the police certification test.<br>For a firearm, frame or receiver to which item 1A of Part 3 of this Schedule applies, the firearm, frame or receiver must comply with the identification requirements set out in the item.<br>For a firearm to which item 1 of Part 3 of this Schedule applies, the firearm must comply with the safety requirements set out in the item. |

### 192 Part 2 of Schedule 6 (table items 15 and 16, column 2)

After "item 14A", insert "or 14B".

### 193 Part 2 of Schedule 6 (table item 17, column 2, paragraph (a))

After "item 14A,", insert "14B,".

## Division 7—Proof of citizenship

## *Customs (Prohibited Imports) Regulations 1956*

### 194 At the end of subitem 3.2 of Part 1 of Schedule 6

Add:

; and (c) the importer has produced evidence that the importer is an Australian citizen.

## Division 8—Firearm sound suppressors and speed loaders

### *Customs (Prohibited Imports) Regulations 1956*

#### 195 Subregulation 2(1)

Insert:

***speed loader*** means a device covered by paragraph (d) of the definition of ***firearm accessory*** in subregulation 4F(4).

#### 196 After paragraph 3E(1)(f)

Insert:

(fa) item 13B;

#### 197 Subregulation 4F(4) (before paragraph (f) of the definition of *firearm accessory*)

Insert:

(d) a device that holds multiple rounds of ammunition, other than ammunition mentioned in item 14A or 14B of Part 2 of Schedule 6, in alignment for the purpose of quickly reloading a firearm, a cylinder or a firearm magazine;

#### 198 Part 2 of Schedule 6 (at the end of the cell at table item 11, column 2)

Add ", other than a firearm accessory to which item 13A or 13B applies".

#### 199 Part 2 of Schedule 6 (after table item 13)

Insert:

| | | |
|---|---|---|
| 13A | A firearm accessory that is a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of a firearm. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test; |

| | | |
|---|---|---|
| | | (c) the returned goods test.<br>The firearm accessory must comply with the identification requirements set out in item 1AA of Part 3 of this Schedule. |
| 13B | A firearm accessory that is a speed loader. | The importation must comply with at least one of the following tests:<br>(a) the official purposes test;<br>(b) the specified purposes test;<br>(c) the specified person test;<br>(d) the sports shooter test;<br>(e) the international sports shooter test;<br>(f) the returned goods test. |

## 200 Part 2 of Schedule 6 (at the end of the cell at table item 14, column 2)

Add ", other than a firearm accessory to which item 13A or 13B applies".

## 201 After item 1A of Part 3 of Schedule 6

Insert:

### 1AA. Identification requirements for silencers, sound moderators and sound suppressors

(1) A firearm accessory that is a silencer, sound moderator, sound suppressor or any other device designed to reduce, or capable of reducing, the noise of discharge of a firearm complies with the identification requirements if the firearm accessory is:

(a) visually inspected by a Collector; and

(b) found by the Collector to:

(i) have a unique serial number that consists only of Arabic numerals, English letters, or punctuation marks; and

(ii) display the serial number in accordance with subitem (2).

(2) For the purposes of subparagraph (1)(b)(ii), the serial number must be:

(a) easily recognisable as the serial number for the firearm accessory; and

(b) legible; and

(c) able to be read without the use of any device or tool; and

(d) displayed on the external surface of the firearm accessory.

### 202 After paragraph 3A.1(c) of Part 4 of Schedule 6

Insert:

(d) a firearm accessory covered by item 13B of Part 2; or

## Division 9—Application of amendments made by this Part

## *Customs (Prohibited Imports) Regulations 1956*

### 203 At the end of regulation 22

Add:

(3) The amendments of these Regulations made by Part 5 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to:

(a) any application for permission to import goods into Australia made at or after the commencement of that Part; and

(b) any application for permission to import goods into Australia made before that commencement that has not been finally decided; and

(c) any documentation given at or after that commencement to facilitate the importation of goods into Australia; and

(d) any documentation given before that commencement to facilitate the importation of goods into Australia, where the goods are imported into Australia on or after that commencement.

# Part 6—Approved forms for police certification for firearms imports

## Division 1—Amendments

### *Customs (Prohibited Imports) Regulations 1956*

#### 204 At the end of item 4 of Part 1 of Schedule 6

Add:

4.2 For the purposes of paragraph 4.1(a), a statement made in approved form B709D or B709DA has no effect in relation to the importation of an article on or after the day this subitem commences (regardless of whether the statement was given to the importer before that day).

Note: This subitem was inserted by Part 6 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*.

#### 205 Paragraph 1.2(b) of Part 4 of Schedule 6

Omit "law; and", substitute "law.".

#### 206 Paragraph 1.2(c) of Part 4 of Schedule 6

Repeal the paragraph.

#### 207 Paragraph 1A.2(d) of Part 4 of Schedule 6

Omit "article; and", substitute "article.".

#### 208 Paragraph 1A.2(e) of Part 4 of Schedule 6

Repeal the paragraph.

#### 209 Item 6 of Part 1 of Schedule 13

Before "The importation", insert "6.1".

#### 210 At the end of item 6 of Part 1 of Schedule 13

Add:

6.2 For the purposes of subitem 6.1, a statement made in approved form B709X has no effect in relation to the importation of a good on or after the day this subitem commences (regardless of whether the statement was given to the importer before that day).

Note: This subitem was inserted by Part 6 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026*.

## Division 2—Application provisions

## *Customs (Prohibited Imports) Regulations 1956*

### 211 At the end of regulation 22

Add:

(4) The amendments of these Regulations made by Part 6 of Schedule 2 to the *Combatting Antisemitism, Hate and Extremism (Firearms and Customs Laws) Act 2026* apply in relation to:

(a) any documentation given at or after the commencement of that Part to facilitate the importation of goods into Australia; and

(b) any documentation given before that commencement to facilitate the importation of goods into Australia, where the goods are imported into Australia on or after that commencement.

# Part 7—Offences relating to use of carriage service for firearms and explosives manufacture material

## Division 1—Main amendments

### *Criminal Code Act 1995*

#### 212 After Subdivision HA of Division 474 of the *Criminal Code*

Insert:

## Subdivision HB—Offences relating to use of carriage service for firearms and explosives manufacture material

#### 474.45F Meaning of *firearms and explosives manufacture material*

(1) ***Firearms and explosives manufacture material*** is material that:

(a) provides instructions on the manufacture or modification of:

(i) a firearm, firearm accessory, firearm part or firearm magazine; or

(ii) an explosive or other lethal device; or

(b) supports or facilitates the manufacture or modification of:

(i) a firearm, firearm accessory, firearm part or firearm magazine; or

(ii) an explosive or other lethal device.

(2) To avoid doubt, material may be intended to do a thing covered by paragraph (1)(a) or (b) even if the material is also intended, or mainly intended, to do one or more other things.

(3) Material is also ***firearms and explosives manufacture material*** if:

(a) it is reasonable to consider the material together with other material; and

(b) were all of the material to be taken to be a single item of material, it would constitute firearms and explosives manufacture material under subsection (1).

(4) To avoid doubt, material may be firearms and explosives manufacture material even if it would not be possible to use the material to manufacture or modify:

(a) a functional firearm, functional firearm accessory, functional firearm part or functional firearm magazine; or

(b) a functional explosive or other lethal device.

*Other definitions*

(5) In this Subdivision:

***explosive or other lethal device*** has the same meaning as in the Convention referred to in section 72.1.

***firearm*** has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

***firearm accessory*** has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

***firearm magazine*** has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

***firearm part*** has the same meaning as in the *Customs (Prohibited Imports) Regulations 1956*.

### 474.45G Using a carriage service for firearms and explosives manufacture material

(1) A person (the ***first person***) commits an offence if:

(a) the first person:

(i) accesses material; or

(ii) causes material, or an electronic link that can be used to access material, to be transmitted to the first person or another person; or

(iii) transmits, makes available, publishes, distributes, advertises, or promotes, material or an electronic link that can be used to access material; or

(iv) solicits material or an electronic link that can be used to access material; and

(b) the first person does so using a carriage service; and

(c) the material is firearms and explosives manufacture material.

Penalty: Imprisonment for 5 years.

(2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):

(a) intention is the fault element for the conduct referred to in paragraph (1)(a);

(b) recklessness is the fault element for the circumstance referred to in paragraph (1)(c).

(3) Absolute liability applies to paragraph (1)(b).

### 474.45H Possessing or controlling firearms and explosives manufacture material obtained or accessed using a carriage service

(1) A person commits an offence if:

(a) the person has possession or control of material; and

(b) the material is in the form of data held in a computer or contained in a data storage device; and

(c) the person used a carriage service to obtain or access the material; and

(d) the material is firearms and explosives manufacture material.

Penalty: Imprisonment for 5 years.

(2) To avoid doubt, the following are the fault elements for the physical elements of an offence against subsection (1):

(a) intention is the fault element for the conduct referred to in paragraph (1)(a);

(b) recklessness is the fault element for the circumstance referred to in paragraph (1)(d).

(3) Strict liability applies to paragraph (1)(b).

(4) Absolute liability applies to paragraph (1)(c).

(5) If the prosecution proves beyond reasonable doubt the matters mentioned in paragraphs (1)(a), (b) and (d), then it is presumed, unless the person proves to the contrary, that the person:

(a) obtained or accessed the material; and

(b) used a carriage service to obtain or access the material.

Note: A defendant bears a legal burden in relation to the matters in this subsection: see section 13.4.

### 474.45J Defences in respect of firearms and explosives manufacture material

*State or Territory licences or permits*

(1) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging in conduct by a person in relation to material if:

(a) either:

(i) the person (the ***business owner***) carries on a business in relation to firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; or

(ii) the person performs work for such a business; and

(b) the business owner holds a licence or permit (however described):

(i) that was granted by a State or a Territory or an authority of a State or a Territory; and

(ii) that authorises the manufacture, repair, maintenance or modification of those firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; and

(iii) that is in force; and

(c) the material relates to those firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; and

(d) the conduct is in connection with the carrying on of that business.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

(2) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging in conduct by a person in relation to material if:

(a) the person holds a licence or permit (however described):

(i) that was granted by a State or a Territory or an authority of a State or a Territory; and

(ii) that authorises the manufacture, repair, maintenance or modification of firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices; and

(iii) that is in force; and

(b) the material relates to those firearms, firearm accessories, firearm parts, firearm magazines or explosives or other lethal devices.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

*Other exceptions*

(3) Subsection 474.45G(1) or 474.45H(1) does not apply to engaging in conduct in relation to material if:

(a) the conduct is necessary for enforcing a law of:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country; or

(b) the conduct is necessary for monitoring compliance with, or investigating a contravention of, a law of:

(i) the Commonwealth; or

(ii) a State; or

(iii) a Territory; or

(iv) a foreign country; or

(v) a part of a foreign country; or

(c) the conduct is for the purposes of proceedings in a court or tribunal; or

(d) both:

(i) the conduct is necessary for, or of assistance in, conducting scientific, academic or historical research; and

(ii) the conduct is reasonable in the circumstances for the purpose of conducting that scientific, academic or historical research; or

(e) both:

(i) the conduct is in connection with the performance by a public official of the official's duties or functions; and

(ii) the conduct is reasonable in the circumstances for the purpose of the public official performing that duty or function; or

(f) both:

(i) the conduct is in connection with an individual assisting a public official in relation to the performance of the public official's duties or functions; and

(ii) the conduct is reasonable in the circumstances for the purpose of the individual assisting the public official in relation to the performance of the public official's duties or functions.

Note: A defendant bears an evidential burden in relation to the matters in this subsection (see subsection 13.3(3)).

*Functions*

(4) The references in this section to function or functions do not, by implication, affect the meaning of the expressions duty or duties when used in any other provision of this Code.

## 213 Subsections 475.1A(1) and (2) of the *Criminal Code*

After "HA", insert ", HB".

## 214 Dictionary in the *Criminal Code*

Insert:

***firearms and explosives manufacture material*** has the meaning given by section 474.45F.

## 215 Transitional provision

For the purposes of paragraph 474.45H(1)(c) of the *Criminal Code*, it does not matter whether the person obtained or accessed the material before, on or after the commencement of this item.

## Division 2—Consequential amendments

### *Crimes Act 1914*

#### 216 At the end of subsection 15GE(3)

Add:

; (g) Subdivision HB of Division 474 (Use of carriage service for firearms and explosives manufacture material).

# Schedule 3—Transitional rules

## 1 Transitional rules

(1) The Minister administering the *Australian Federal Police Act 1979*, the Minister administering the *Administrative Review Tribunal Act 2024* or the Minister administering Part XII of the *Customs Act 1901* may, by legislative instrument, make rules prescribing matters of a transitional nature (including prescribing any saving or application provisions) relating to the amendments or repeals made by this Act.

(2) Subsection 12(2) (retrospective application of legislative instruments) of the *Legislation Act 2003* does not apply in relation to rules made under this item before the end of the period of 12 months starting on the day this item commences.

(3) To avoid doubt, the rules may not do the following:

(a) create an offence or civil penalty;

(b) provide powers of:

(i) arrest or detention; or

(ii) entry, search or seizure;

(c) impose a tax;

(d) set an amount to be appropriated from the Consolidated Revenue Fund under an appropriation in this Act;

(e) directly amend the text of this Act.